IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 19TH JULY 2006 / 28TH ASHADHA,1928

Bail Appl..No. 4328 of 2006

CRMP.2315/2006 of SESSIONS COURT, PALAKKAD
(CRIME NO.266/2006 OF TOWN SOUTH POLICE STATION, PALAKKAD)

.....

PETITIONER/ACCUSED:

SHUJU, S/O. CHANDRAN,
PALASSERY HOUSE, 15/102, KOVIL STREET,
PARAKUNNAM, PALAKKAD.

BY ADV. SRI.K.ANAND

RESPONDENTS:

---

1. STATE OF KERALA, REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

2. SUB INSPECTOR OF POLICE,
TOWN SOUTH POLICE STATION, PALAKKAD.

BY PUBLIC PROSECUTOR P.M. HABEEB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/07/2006, ALONG WITH B.A.4500/06, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.Nos. 4328/06 & 4500//06

DATED THIS THE 19TH DAY OF JULY, 2006

O R D E R

Both the applications are filed by the respective accused, under Section 438 Cr.P.C., praying for a pre-arrest order. The offence alleged against them are under Sections 143, 147, 148, 326 and 308 IPC read with Section 149 IPC and also under Section 27 of Arms Act. It is alleged that eight accused had chased the defacto complainant because of the previous enimity and inflicted various cut injuries, using dangerous weapons. Wound certificate, issued by the hospital authorities of Koyambathoor, reveal the nature of injuries, inflicted by the accused.

2. Bail Application No.4328/06 is preferred by the third accused, in crime No.266/2006 of Town South Police Station, Palakkad, and bail application No.4500/06 is preferred by accused 1, 2 and 4, in the same crime.

3. After hearing the learned Public Prosecutor as well as the counsel for the petitioners, I direct all the petitioners, accused 1, 2, 3 and 4, to surrender before the

investigation officer of Town South Police Station, Palakkad, on 22.7.2006 between 10.30 a.m and 11.00 a.m. The investigating officer shall interrogate the petitioners and produce them before the Court below, as per the law. However, I make it very clear that if the investigating officer intends to complete the investigation through the continued custody of the accused, he may move an application before the Court below and get the custody of the petitioners, so that the recovery of the weapons and other parts of the investigation could be completed, as submitted by the learned Public Prosecutor. It is for the Judicial Magistrate of First Class-III, Palakkad, to pass appropriate orders, as and when either the investigating officer or the accused, approach that Court with relevant petitions, and prayers therein.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs